

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NOSTROMO, LLC,)	
)	
Plaintiff,)	Case No. 2:24-cv-00563-JRG-RSP
)	
v.)	PATENT CASE
)	
KYOCERA CORPORATION,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	
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**DECLARATION OF JOSE L. PATIÑO IN SUPPORT OF KYOCERA
CORPORATION'S MOTION TO DISMISS COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(B)(6)**

I, Jose L. Patiño, declare as follows:

1. I am a Shareholder at the law firm of Buchalter, a Professional Corporation and counsel of record for Kyocera Corporation. I make this declaration in support of Kyocera Corporation's Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) in the above-captioned action. I have personal knowledge of the facts set forth herein.

2. Attached as Exhibit A is a true and correct copy of a Stipulation of Dismissal Without Prejudice as to Defendants Kyocera Corporation and Kyocera Communications, Inc., filed on April 24, 2017 in *IPA Technologies Inc. v. Kyocera Corporation et al.*, No. 17-263-RGA (D. Del.).

3. Attached as Exhibit B is a true and correct copy of a Stipulation of Dismissal Without Prejudice as to Defendants Kyocera Corporation and Kyocera International, Inc., filed on March 23, 2015 in *Cellular Communications Equipment LLC v. Kyocera Corporation et al.*, No. 6:15-cv-00049-KNM (E.D. Tex.).

4. Attached as Exhibit C is a true and correct copy of a Stipulation Regarding Dismissal of Certain Kyocera Defendants, filed on May 28, 2014 in *Adaptix, Inc. v. Kyocera Corporation et al.*, No. 6:13-cv-854 (E.D. Tex.).

5. Attached as Exhibit D is a true and correct copy of a Stipulation and [Proposed] Order of Dismissal Without Prejudice, filed on April 3, 2014 in *Alex is the Best, LLC v. Kyocera Corp. et al.*, No. 1:13-cv-01783-RGA (D. Del.).

6. Attached as Exhibit E is a true and correct copy of a Stipulation and [Proposed] Order of Dismissal Without Prejudice, filed on April 19, 2013 in *Technology Innovations Associates LLC v. Kyocera Corporation et al.*, No. 1:13-cv-00350-LPS (D. Del.).

7. Attached as Exhibit F is a true and correct copy of a Stipulation to Dismiss Without Prejudice Kyocera Corporation and Kyocera Wireless Corporation, filed on March 26, 2013 in *Cellport Systems, Inc. v. Kyocera Corporation et al.*, No. 1:13-cv-00174-RBJ (D. Col.).

8. Attached as Exhibit G is a true and correct copy of a Notice of Voluntary Dismissal Under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, filed on July 13, 2011 in *H-W Technology L.C. v. Apple Inc. et al.*, No. 3:11-cv-00651-G-BH (N.D. Tex.).

9. Attached as Exhibit H is a true and correct copy of a Stipulation to Dismiss Kyocera Corporation, Kyocera International, Inc. and Kyocera America, Inc. Without Prejudice Pursuant to Fed. R. Civ. P. 41(a)(2), filed on March 16, 2011 in *Nazomi Communications, Inc. v. Samsung Telecommunications, Inc. et al.*, No. 3:10-cv-05545-CRB (N.D. Cal.).

10. Attached as Exhibit I is a true and correct copy of a Stipulation of Dismissal Without Prejudice as to Defendants Kyocera Corporation and Kyocera International, Inc., filed on January 18, 2011 in *Smartphone Technologies, LLC v. HTC Corporation et al.*, No. 6:10-cv-00580-LED-JDL (E.D. Tex.).

11. Attached as Exhibit J is a true and correct copy of Plaintiff's Motion to Dismiss Without Prejudice Defendants Kyocera Corporation of Japan and Kyocera Wireless Corporation, filed on November 4, 2010 in *Bandspeed, Inc. v. Acer, Inc. et al.*, No. 2:10-cv-00215 (E.D. Tex.).

12. Attached as Exhibit K is a true and correct copy of a Stipulation to Dismiss Without Prejudice Kyocera Corporation, Kyocera International, Inc., and Kyocera Wireless Corporation, filed on August 13, 2010 in *Stragent, LLC v. LG Electronics Mobilecomm U.S.C., Inc. et al.*, No. 6:10-cv-00244-LED (E.D. Tex.).

13. Attached as Exhibit L is a true and correct copy of Plaintiff's Notice of Voluntary Dismissal of Defendants Kyocera America, Inc. and Kyocera Corporation Pursuant to Federal

Rule of Civil Procedure 41(a)(1)(A)(i), filed on June 19, 2009 in *Fractus, S.A. v. Samsung Electronics Co., Ltd. et al.*, No. 6:09-cv-00203-LED-JDL (E.D. Tex.).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on January 14, 2025 in San Diego, California.

/s/ Jose L. Patiño

Jose L. Patiño

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this, the 14th day of January, 2025. Any other counsel of record will be served by first class U.S. Mail on this same date.

/s/ Jose L. Patiño
Jose L. Patiño